

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

STEPHEN PLUFF,

Petitioner,

-v-

9:18-CV-914

SUPERINTENDENT,

Respondent.

APPEARANCES:

OF COUNSEL:

STEPHEN PLUFF

Petitioner, Pro Se

09-A-4343

Five Points Correctional Facility

Caller Box 119

Romulus, NY 14541

HON. LETITIA JAMES

New York State Attorney General

Attorneys for Defendant

28 Liberty Street

New York, NY 10005

PAUL B. LYONS, ESQ.

Ass't Attorney General

DAVID N. HURD

United States District Judge

ORDER ON REPORT & RECOMMENDATION

On August 3, 2018, *pro se* petitioner Stephen Pluff (“petitioner”) filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Dkt.

No. 1. Petitioner also filed a certified application to proceed *in forma*

pauperis (“IFP”). Dkt. No. 2. Thereafter, the Court granted petitioner’s IFP application and directed a response to petitioner’s arguments. Dkt. No. 9.

On September 8, 2021, U.S. Magistrate Judge Daniel J. Stewart advised by Report & Recommendation (“R&R”) that the petition be denied and dismissed as untimely. Dkt. No. 28. Petitioner has filed objections. Dkt. No. 29. Upon *de novo* review of the portions to which petitioner has objected, the Report & Recommendation is accepted and adopted in all respects. *See* 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

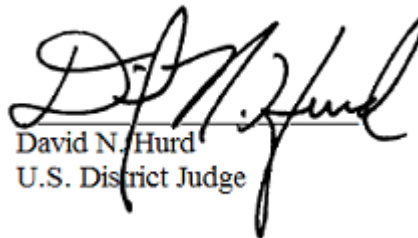
ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. The petition is DENIED and DISMISSED; and
3. No certificate of appealability shall be issued.

The Clerk of the Court is directed to terminate any pending motions, enter a judgment accordingly, and close the file.

IT IS SO ORDERED.

Dated: September 29, 2021
Utica, New York.


David N. Hurd
U.S. District Judge